

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LAURA AND STEVEN FAUGHT,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 2:07-cv-1928-RDP
)	
AMERICAN HOME SHIELD)	
CORP.,)	
)	
Defendant.)	

SUPPLEMENTAL REPORT OF PARTIES CONCERNING ADR

By its Orders of May 8 and July 1, 2008, this Court directed the parties to report on the advisability of mediation or other form of alternative dispute resolution in this matter. Defense counsel files this report on behalf of all counsel.

As was the case at the time earlier reports to this Court were submitted, defendant American Home Shield remains willing and eager to enter an appropriate mediation or other appropriate form of ADR in order to share thoughts with plaintiff as to how this action might be amicably resolved. Now, the parties are pleased to report substantial progress in completing steps that Plaintiff has asked be completed in advance of entering such a discussion.

American Home Shield produced several thousand documents within the past week, and presented four (4) witnesses for Rule 30(b)(6) depositions in Birmingham on Tuesday and Wednesday, July 15 and 16, 2008. At the conclusion

of these depositions, Messrs. Norris, Boles, and McKibben once again discussed mediation. Based on that discussion, the undersigned believes that the parties are agreeable to mediation. Mr. Norris has asked, however, that in advance of any mediation session, American Home Shield produce certain additional documents, and run one or more database searches that could better ascertain the size of the purported class described in Plaintiff's Complaint.

American Home Shield has agreed to this general approach. Accordingly, the parties expect that as Plaintiff completes the review of the recent document production, a supplemental document production will be defined and executed.

American Home Shield also expects to communicate to Plaintiffs (for settlement purposes only) the estimated size of Plaintiffs' purported class within the next one to two weeks. The parties also anticipate asking the Court to enter a pair of protective orders that are currently under discussion in order to assist the parties by protecting the confidentiality of information shared both in discovery and in the mediation process.

Accordingly, and although both parties believe ADR will be helpful, the parties request a further period of time to permit the completion of the steps described above that Plaintiff has asked be completed before mediation begins.

Specifically, the parties respectfully request the Court allow a period of forty-five days (45) from the date of this Order as a period within which to schedule and conduct a mediation before a mutually agreeable mediator.

/s/ Michael D. McKibben

Michael D. McKibben (ASB-6346-K62M)
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CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

D. Frank Davis, Esq.
John E. Norris, Esq.
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/s/ Michael D. McKibben

Of Counsel